

## **ORDINANCE NO. 2018-18**

### **Approving Broadband Network Projects**

#### Executive Summary

Broadband access is increasingly important to the economy, education and daily life. The state of Wisconsin as a whole as well as its citizens, local units of government, broadband providers, schools and businesses all have an interest in expanding broadband access and usage in underserved areas of the state. The Public Service Commission of Wisconsin (Commission) has been authorized to certify communities as being “broadband ready” by issuing a Broadband Forward! Certification that signals a local unit of government has taken steps to reduce obstacles to broadband infrastructure investment.

Under Wis. Stat. § 196.504(4) a city, village town or county may apply to the Commission for certification as a Broadband Forward! Community. The Commission has prepared this Broadband Forward! Community Model Ordinance and application form to facilitate certification and statewide consistency. If a political subdivision adopts this model ordinance, or enacts its own ordinance and submits a certification that its ordinance meets the statutory criteria in Wis. Stat. § 196.504(5), it is eligible for Broadband Forward! Certification.

Enacting the Broadband Forward! Community Model Ordinance and obtaining Broadband Forward! Certification ensures the Public Service Commission of Wisconsin and the people of the state of Wisconsin that Jefferson County has: 1) streamlined its administrative procedures by appointing a single point of contact for all matters relating to a broadband network project, 2) established a timely approval process, 3) charges only reasonable fees for reviewing applications and issuing permits, 4) imposes only reasonable conditions for issuing a permit, and 5) does not discriminate between telecommunication service providers. The Executive Committee reviewed this ordinance at its meeting on October 23, 2018, and recommended forwarding to the Jefferson County Board of Supervisors for approval. The proposed ordinance was introduced at the County Board meeting on November 13, 2018, and referred back to Committee. The Executive Committee reviewed the proposed ordinance at its meeting on November 28, 2018, and recommended forwarding it with no changes to the Jefferson County Board of Supervisors for approval.

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THE COUNTY BOARD OF SUPERVISORS OF JEFFERSON COUNTY DOES  
HEREBY ORDAIN AS FOLLOWS:

Section 1. The Broadband Ordinance is created as follows:

#### **CHAPTER 1 BROADBAND NETWORK PROJECT APPLICATIONS**

## **SECTION 1. GENERAL PROVISIONS.**

**1.1 Purpose and policy.** The purpose of this chapter is to encourage the development of broadband access in Jefferson County by reducing administrative obstacles to broadband service providers and coordinating the review of applications to ensure such applications are timely processed. This chapter shall at all times be construed consistent with this purpose.

**1.2 Definitions.** In this chapter:

- (1) “Applicant” means a person applying for a permit for a broadband network project.
- (2) “Broadband network project” means the construction or deployment of wireline or wireless communications facilities to provide broadband communication services in Jefferson County.
- (3) “Permit” means any local permit, license, certificate, approval, registration, or similar form of approval required by policy, administrative rule, regulation, ordinance, or resolution with respect to a broadband network project.
- (4) “Written” or “in writing” means information that is inscribed on a tangible medium or that is stored in an electronic or other intangible medium and is retrievable in perceivable form.

**1.3 Point of contact.** The Jefferson County Administrator shall appoint in writing a single point of contact for all matters related to a broadband network project. The Jefferson County public website shall provide contact information, including the e-mail address, for the point of contact authorized to receive a broadband network project application.

**SECTION 2. ELECTRONIC SUBMISSION OF APPLICATIONS.** An applicant shall have the option to sign and file all forms, applications and documentation related to a broadband network project electronically.

**SECTION 3. REVIEW OF APPLICATIONS.** If there is a conflict between this ordinance and any other provision of another Jefferson County ordinance, resolution, regulation, policy or practice that would otherwise regulate broadband network project application review, processing or approval, the applicable provision of this ordinance shall control and supersede such conflicting provision, and the remaining provisions of such ordinance, resolution, regulation, policy or practice shall continue in full force and effect. The following process shall apply upon receiving a broadband network project application:

**3.1 Completeness review.** Upon receiving a broadband network project application, the single point of contact appointed by the Jefferson County Administrator shall:

- (1) Determine whether or not an application is complete and notify the applicant of such determination in writing within 10 calendar days following receipt of an application. If the applicant is not notified in writing of the determination within 10 calendar days following receipt

of the application, the application shall be considered complete and processed as a complete application.

(2) If it is determined that an application is not complete, the written notification to the applicant shall specify in detail why the application was determined not to be complete. The applicant may resubmit an application as often as necessary until the application is complete.

### **3.2 Approval or denial of complete applications.**

(1) Within 60 calendar days following receipt of an application that is complete, or considered complete under sub. (1), the application shall either be approved or denied and the applicant provided written notification of the approval or denial. If the applicant is not notified of the application's approval or denial within 60 calendar days following receipt of a complete application, the application shall be considered approved and any required permit shall be issued within 5 days.

(2) If an application is denied, written notification of the denial under sub. (1) shall include evidence that the denial was not arbitrary and capricious.

**SECTION 4. FEES.** The fee to review an application, issue a permit, and perform any other activity related to a broadband network project shall be \$100.00.

**SECTION 5. INITIAL APPLICABILITY.** The treatment of this ordinance first applies to applications received on or after the effective date of this ordinance.

**SECTION 6. EFFECTIVE DATE.** This ordinance takes effect on the day after publication.

*Fiscal Note: As the financial impact of this ordinance is anticipated to be minimal, no budget adjustment is necessary.*

Adopted by the Jefferson County Board of Supervisors this 11th day of December 2018.

s/Jim Schroeder

Jim Schroeder

Chair

ATTEST:

s/Barbara A. Frank

Barbara A. Frank, County Clerk

Published this 17th day of December 2018.

Ayes\_\_ VOICE VOTE\_\_ Noes\_\_\_\_ Abstain\_\_\_\_ Absent\_\_\_\_ Vacant\_\_\_\_

Requested by  
Executive Committee

12-11-18

J. Blair Ward: 10-22-18; 11-06-18; 12-03-18; Marc DeVries: 11-06-18

REVIEWED: Administrator: bw; Corp. Counsel: jbw; Finance Director: md